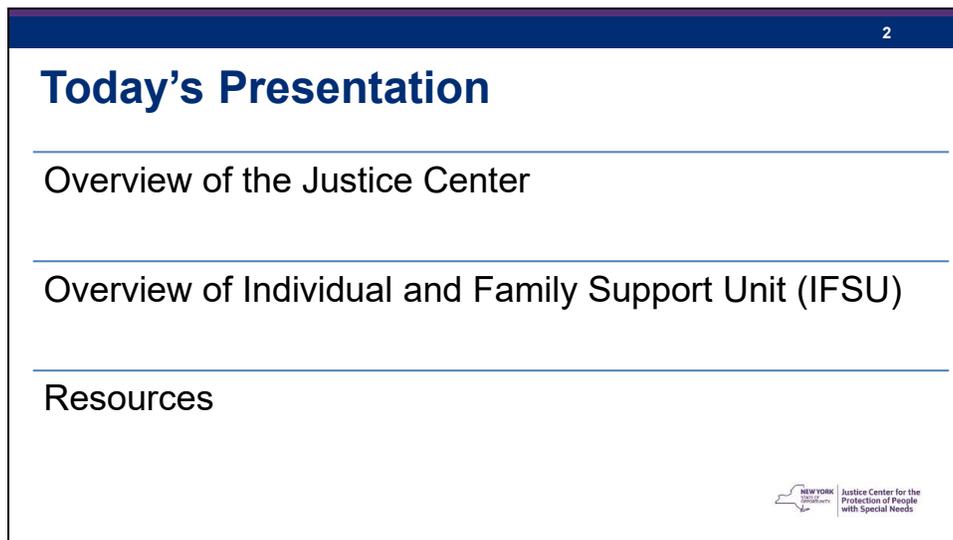
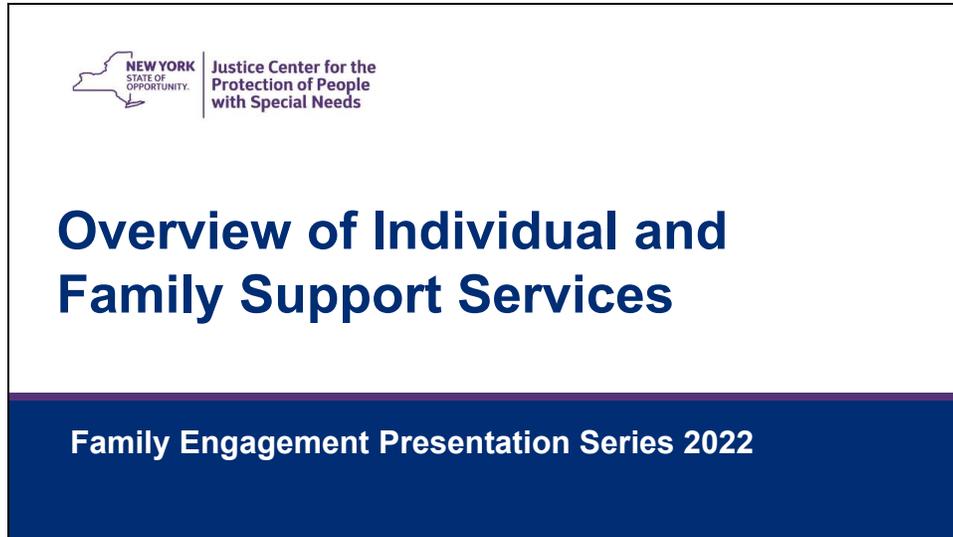


# Overview of Individual and Family Support Services

## PowerPoint and Notes



**This presentation covers information about the Justice Center along with an overview of the Individual and Family Support Unit and the ways in which it provides support and services to individuals receiving services and their families. Towards the end of this presentation, helpful resources and links will be shared.**

## Overview of the Justice Center

**The Justice Center for the Protection of People With Special Needs (Justice Center) was established in 2013 by the Protection of People with Special Needs Act. The agency was created to restore public trust in the institutions and individuals charged with caring for vulnerable populations by protecting the health, safety, and dignity of all people with special needs.**

**Prior to the establishment of the agency, there was no consistent way to prevent staff who committed serious acts of abuse from getting another job working with people with special needs. Additionally, inconsistent laws, rules, regulations, requirements, and standards across service systems presented challenges to providing the best care to the stakeholders.**

**Because of the limited capacity for statewide oversight, there was an inability to identify and predict future areas of risk across systems.**

**The Justice Center's goals focus on preventing mistreatment of people with special needs and ensuring that all allegations of abuse and/ or neglect are fully investigated. The Justice Center investigates, reviews, and makes final determinations for all allegations of abuse and/or neglect by staff, including employees, volunteers, interns, consultants, or contractors, against individuals who receive services. It is also important to note that the Justice Center does not interrogate, arrest, or prosecute individuals who receive services.**

## State Agencies



Office for People With Developmental Disabilities (OPWDD)

Office of Mental Health (OMH)

Office of Addiction Services and Supports (OASAS)

Office of Children and Family Services (OCFS)

Department of Health (DOH)

State Education Department (SED)



**The Justice Center has jurisdiction over more than 1 million individuals receiving services across six state agencies, our jurisdiction includes all programs operated, licensed and certified by these six state agencies.**

**Examples of the types of programs covered in each state agency are:**

- **Office for People with Developmental Disabilities (OPWDD) which includes Intermediate Care Facilities (ICFs), Individual Residence Alternative and Family Care Homes Developmental Centers, Day Habilitation, and Article 16 clinics.**
- **Office of Mental Health (OMH) which includes Inpatient hospital psychiatric units, Community residences, Partial hospitalization, and Community Treatment programs**
- **Office of Addiction Services and Supports (OASAS) which includes Addiction Treatment Centers (ATC), Medically Supervised or Monitored Inpatient Withdrawal & Stabilization, Intensive Residential Rehabilitation & Supportive Living Services, Community Residential Services and Methadone treatment programs.**
- **Office of Children and Family Services (OCFS) which includes all state-operated juvenile justice facilities and licensed residential programs, and includes examples like residential secure, limited secure, non-secure facilities for court-placed youth, residential and youth detention facilities for children, Residential programs, including programs for runaway and homeless youth, and Family-type homes for adults.**
- **Department of Health (DOH) which includes Overnight, summer day and travelling day camps for children with developmental disabilities that must obtain DOH permits and a small number of licensed adult homes serving people who have been diagnosed with a mental health diagnosis.**
- **State Education Department (SED) which includes Approved Private Residential, Special Act, State-Operated and State-Supported Schools in**

**New York State. Some examples include the NYS School for the Blind in Batavia, the NYS School for the Deaf in Rome, schools for youth in residential care and schools, and out-of-state schools serving residents of New York State.**



**Reports should be made to the Justice Center’s hotline, also known as the Vulnerable Persons’ Central Register (VPCR).**

**The agency operates a toll-free hotline 24 hours a day, seven days a week for receiving reports of allegations of abuse and neglect. Allegations of abuse and/or neglect can be made by anyone, including a parent, advocate, or guardian. We encourage people to make a report to the Vulnerable Persons’ Central Register (VPCR) Hotline when they have knowledge or have reason to believe that an individual with special needs has been abused, neglected, or mistreated.**

**Some people, who are mandated reporters, are required to report to the VPCR. These mandated reporters include provider agency staff and human service professionals, who by nature of their job must report allegations of abuse and/or neglect. Any time a call is made to the NYS Justice Center, the agency’s highly trained call center staff obtain detailed information from the caller. Callers are encouraged to have as much information as possible to ensure the most accurate classification of the report. Based on the information shared at the time of the call, it is either classified as reportable or non-reportable under the NYS Justice Center jurisdiction.**

**The Justice Center is authorized to investigate these reports (although we primarily focus on the most egregious and those that occur in state operated settings) and pursue administrative sanctions against staff found responsible for misconduct.**



**Each year the Justice Center receives over 10,000 allegations of abuse and neglect along with many other reports that do not rise to that level of abuse and neglect.**

**Reportable calls can fall into one of three types of reports. These include abuse which can be physical, sexual, or psychological and includes the deliberate misuse of restraints or the obstruction of an investigation, neglect which is the failure to provide supervision, adequate food, clothing, shelter, health care, or access to education, or significant incidents which have the potential to result in harm to the health, safety, or welfare of a person receiving services.**

**If the information reported rises to the level of abuse and neglect, an investigation takes place and is conducted either by the Justice Center or is delegated to the appropriate state agency. The Justice Center makes ALL final determinations as to whether a report is substantiated or unsubstantiated.**

**When the Justice Center makes a determination, all evidence and information related to the case is considered, and if there is a preponderance of evidence to substantiate the allegation, it will be. A preponderance of evidence means that the evidence is more likely than not to have shown that the allegation occurred.**

**Finally, for cases that rise to a criminal level, the agency's Special Prosecutor/Inspector General works closely with local district attorneys to prosecute such offenses.**



**In addition to the Individual and Family Support Unit, there are several other ways in which the Justice Center provides support to individuals and guardians.**

**The Justice Center has an Advisory Council that advises and assists in developing policies, proposed regulations, plans and programs to carry out the Justice Center's functions, powers and duties. 11 of the 19 members of the Council are people who are receiving services or have in the past and/or family members of those receiving services so their perspective and feedback are especially helpful in carrying out our mission.**



**The Justice Center's Prevention and Quality Improvement unit identifies trends related to abuse and neglect and provides education and tools to prevent abuse and neglect from happening.**

**The Prevention and Quality Improvement Unit conducts a limited number of audits of provider agencies' corrective action plans and makes recommendations for corrective actions to prevent abuse and neglect from occurring in the future.**

**The Justice Center also provides critical background checks of all prospective employees or volunteers applying for jobs at provider agencies and advises about the individual's suitability for employment. These background checks provide a safety net for individuals receiving services and lessens the risk of abuse and neglect occurring.**

**In addition to conducting criminal background checks, the Justice Center maintains the Staff Exclusion List. All staff who have been found to have committed serious or repeated acts of abuse or neglect are placed on the Justice Center's Staff Exclusion List. Provider agencies are required to check the Staff Exclusion List before hiring someone who will have regular and substantial contact with an individual with special needs. Providers have been notified through the Staff Exclusion List check process nearly 250 times that an applicant was on this list.**

**This means individuals who have been substantiated for serious acts of abuse and neglect were stopped from being hired into settings where they would have regular and substantial contact with vulnerable people again.**

9



**Report Suspected Abuse or Neglect**  
**1-855-373-2122**



**Information Line Questions**  
**1-800-624-4143**



**Justice Center for the Protection of People with Special Needs**

**The 24-hour a day, 7-day a week hotline is available to accept all reports of abuse and neglect. If you have reason to believe that an individual receiving services is being abused, neglected, or mistreated by a staff member/custodian please call**

the Vulnerable Persons Central Register hotline at 1-855-373-2122.

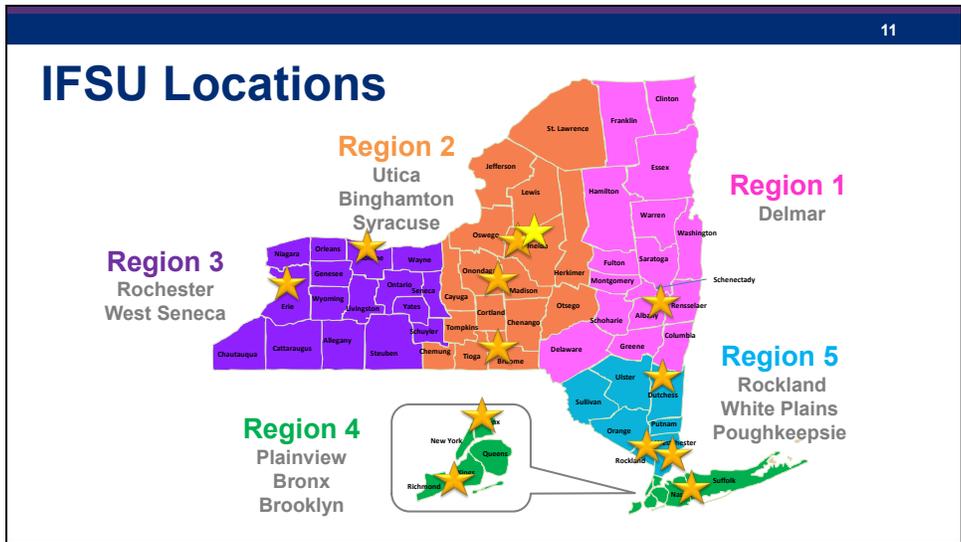
General questions about processes and information related to the Justice Center, or referrals to disability related community resources, can be made to the Information Line at 1-800-624-4143 during regular business hours or via voice message after hours.

10

## Overview of the Individual and Family Support Unit (IFSU)



The Individual and Family Support Unit also known as IFSU was created in October of 2013. The unit receives funding support from the Office of Victim Services to support its advocacy services.



The Individual and Family Support Unit provides support statewide.

**This map displays the Justice Center’s 5 regions, and each star represents where the staff are located. There are currently 3 supervisors based out of the regions that oversee the unit along with a unit Director. Advocates also travel and help cover other regional offices when needed.**

- ❖ **Several advocates in the main office location in Delmar in Region 1 along with one regional supervisor and the Unit Director**
- ❖ **In Region 2 there are advocates in Utica and Binghamton and a regional supervisor in Syracuse**
- ❖ **In Region 3 there are advocates in Rochester and in West Seneca**
- ❖ **In Region 4 there are advocates in the Bronx, Brooklyn, and Plainview**
- ❖ **In Region 5 there are advocates in Poughkeepsie and Rockland along with a regional supervisor in White Plains**

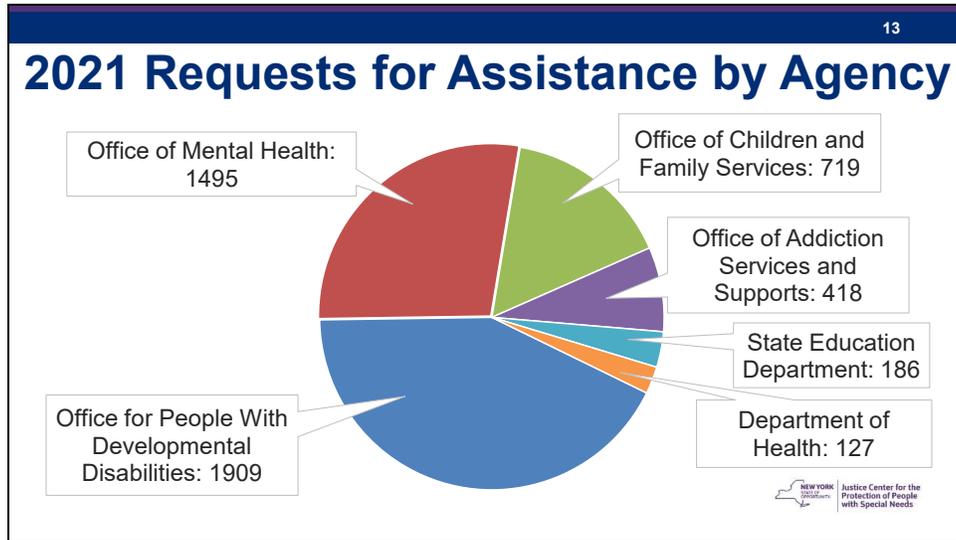
**In terms of background, all of the advocates come from a variety of educational backgrounds and professional experiences which include working in fields and placements such as family court, mental health court, child advocacy centers, domestic violence shelters, rape crisis programs, direct service within provider programs, and case management.**

**While advocates provide support to all individuals, family members, and callers (regardless of classification) the support provided during interviews is limited to Abuse/Neglect cases and prosecutions that are led by the Justice Center.**

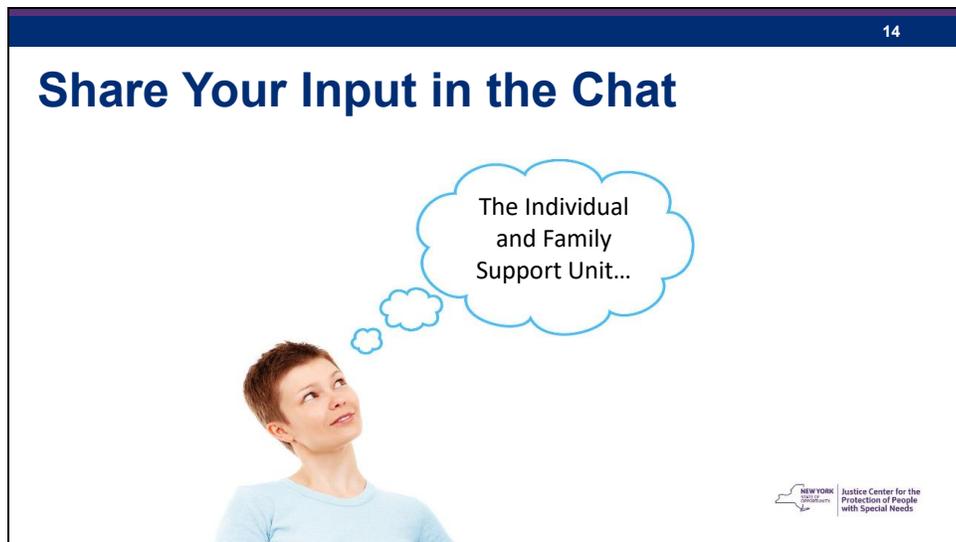
**Although the unit operates during regular business hours, advocates make an effort to accommodate the needs of families and individuals outside of those hours.**



The Individual and Family Support Unit supports a lot of people throughout the state, since 2013 advocates have provided assistance to more than 16,237 individuals and family members. In 2021, the unit provided 3,276 individuals and family members with advocacy and support.



This breakdown reflects inquiries received from individuals and family members based upon the state agency they receive services from. For OPWDD and OCFS requests, inquiries primarily come from family members and legal guardians, while for OMH and OASAS requests, inquiries primarily come from the individuals who receive services directly.



Used during presentation to inquire if audience has interacted with the Individual and Family Support Unit previously and their experiences.



## Justice Center Advocates Can Help

**Justice Center advocates regularly provide a number of services to individuals and their family members.**

**A big part of the advocacy role is to work with individuals receiving services and their families and guide them through Justice Center processes, such as reporting, interviewing, final determination, and general inquiries.**

**Advocates provide emotional support before, during, and after the interview in Justice Center led interviews. Advocates often speak with the individual in order to check in on their emotional state, provide reassurance and validation, and ask if they need to take a break. This is especially important given the information that individuals share with advocates during these interviews, so it is important to ensure that they are as comfortable as possible.**

**Another important role relates to providing case updates, advocates often make contact with individuals and/or their family members via phone to provide an overview of the NYS Justice Center and processes and explain the case status, without going into too much detail. It is often helpful when advocates are able to let someone know whether the case is still active or that they should be expecting a letter of determination in the mail.**

**Another way advocates provide information is by sharing relevant Justice Center resources which will be covered a little later on in the presentation along with links. Please review the Justice Center's website for lots of information and downloadable resources.**

**Finally, advocates often provide support throughout the lifecycle of the case and in some cases provided ongoing support well beyond the conclusion of the case.**

## How Can We Assist You?

We Can	We Cannot
Make referrals and provide contact information for state agencies and providers	Provide details about the investigation
Explain Justice Center processes	Provide Recordings of reports made to the hotline
Give updates on Abuse/Neglect cases	Move the investigative process along more quickly

In addition to everything shared around what can be provided, there are a few examples of what is outside of the unit's abilities. This chart helps showcase some of those examples.

During the initial call with an individual receiving service and/or their personal representative/legal guardian an explanation of the Justice Center processes is provided. It is important to note, that the process may be more extensive in order to ensure that the investigation is thorough, and that important evidence is obtained. While it is recognized that the process can be challenging, advocates are there to provide support along the way.

Advocates can provide case status updates, for example letting the individual know the case is still active or when the case is closed and can explain the contents of the Letter of Determinations. While advocates are not able to provide recordings of reports that are made to the hotline or details about the investigation (so the integrity of the case is not compromised), advocates *can* provide records access information and how to go about requesting more information. Advocates frequently connect with state agency and provider contacts on behalf of the caller and assist with obtaining appropriate contacts when needed.



**The Justice Center takes several approaches to collaborate with others both internally and externally. These are some examples.**

**One way this is accomplished is by utilizing a multidisciplinary approach which has been especially effective in carrying out victim-centered and trauma-informed practices that are practiced and promoted at the Justice Center.**

**This approach has been demonstrated by the agency's utilization of the Justice Center's Sexual Abuse Response Team (JCSART). This team is made up of staff with diverse backgrounds including nurses, attorneys, advocates and investigators, many of whom worked in one of the settings under the Justice Center's jurisdiction**

**In these meetings, an investigator connects with an advocate at the very start of the case. This allows the investigator and advocate to discuss a plan of action and relevant details of the case. Having an advocate involved early on helps build rapport and trust with both the individual receiving services and/or their family members.**

**Advocates offer assistance with regards to scheduling interviews, and oftentimes make the initial contact with the individual and/or family members. In the course of their discussions with individual(s) receiving services and/or families, Advocates may be made aware of additional information that may be of benefit to the Investigator. This can include possible placement changes, updated medical information, best methods of communication or other materials related to the investigation. When this occurs, the advocate notifies the Investigator so that they may take this additional information into consideration and ensure that every effort is made to make the individual as comfortable as possible.**

**There have been situations where an individual and/or their families have felt uncomfortable or intimidated by the interview process. These emotions can vary based on prior experiences or trauma the individual(s) receiving services may have experienced. Staff want to be mindful and supportive of the needs of all of the individuals that are interacted with, so this is also taken into account.**

**Having an advocate speak with the individual and letting them know that they are there to provide support and to address any hesitations or concerns that they may have can provide a lot of comfort. This has allowed the advocate to discuss how they can best accommodate the individual's needs, which has resulted in the individual feeling more comfortable and confident in moving forward with the interview. The advocate connected to the case is often the point person for the individual and family members well after the conclusion of the case.**



**As part of the multidisciplinary approach, staff participate in several other internal specialized teams.**

**These include the Mortality Case Coordination where advocates work closely with investigators on cases involving the death of an individual receiving services and ensure that advocates are providing support to their families.**

**Advocates also participate in the Justice Center abuse prevention workgroup and participates in a prevention committee that works with members of other state agencies in identifying best practices around abuse prevention.**

**Finally, advocates participate in Medical Review Board meetings where a voluntary team of medical professionals weigh in on cases that require medical expertise.**

## Collaboration with External Stakeholders



**Advocates participate in external stakeholder meetings such as regional coalition meetings with other victim assistance providers.**

**The Trauma Champions Collaborative allows staff to collaborate with other state agencies on implementing trauma-informed practices.**

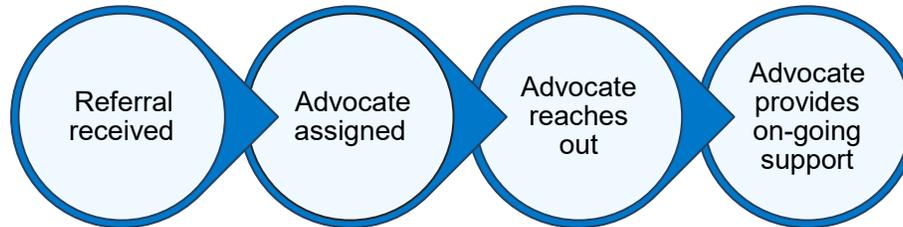
**The Crime Victims' Assistance Task Force includes participation in an annual event to acknowledge victims of crime and their families.**

**The NYS Council of Children and Families cross systems meetings allows staff to collaborate with family and youth groups and state agencies and focus on achieving better outcomes for children, youth and families by improving access to services and supports and collaborating to eliminate service barriers between systems.**

**Participation in these meetings allows advocates to get to know stakeholders and partners and allows them to get to know the Justice Center and the Individual and Family Support Unit. It promotes collaboration and increases the referral base for individuals and their families as well and helps to keep staff up to date with services and supports in the community.**

**Additionally, staff often identify outreach opportunities where information can be presented or provided at conferences and events. If you know of any opportunities where you might want to have us present or share information, please be sure to contact the Individual and Family Support Unit at: [supportcoordinator@justicecenter.ny.gov](mailto:supportcoordinator@justicecenter.ny.gov)**

## IFSU Process



The process starts with a referral being received by the Individual and Family Support Unit, the bulk of these referrals come from the Call Center, the Information Line, and the Investigations Unit which typically occurs after an individual or family member calls the Justice Center looking for additional information or support.

Once the referral is processed, is it assigned to an advocate. The referral's location and status are considered (if it is an active Justice Center led case where an advocate is likely to participate in an in person interview it is important to make sure it is assigned to someone local) along with other factors.

For example, if it is someone who has had previous contact with an advocate on another case, every effort will be made to have the same advocate assigned again as there is already a comfort level there.

At this point the advocate will reach out and make contact with the caller within 1-3 business days. If it is a more urgent matter, the call will be made earlier. Advocates provide their direct contact information for future contact so there is a direct way to reach them.

At this point, advocates follow-up with appropriate contacts and with the caller to ensure that they have the appropriate information or point of contact for their concerns. Advocates provide ongoing support as needed and refer the caller appropriately depending on their needs.

## Ombudsman



**The Ombudsman is based out of the Utica office and regularly travels to the two remaining OPWDD developmental centers in New York. One of their functions is to ensure that individuals receiving services at the Sunmount and Valley Ridge Developmental Centers are able to express their concerns and questions and have them heard. The Ombudsman provides assistance and support by helping to guide individuals as they work towards remedying specific complaints.**

**The Ombudsman ensures that individuals' rights are being exercised and protected. Ultimately, the Ombudsman is a front-line advocate who supports individuals in expressing their concerns so that their needs are being heard, their rights are being acknowledged, and the identified problems are being resolved within these two locations.**

**The Ombudsman helps identify any systemic trends or issues that may be present and work towards advocating for change. The Ombudsman strongly encourages and promotes self-advocacy and self-determination and educates individuals about their rights, good care practices and other related topics to better enable them to work towards making healthy and informed choices.**

## Resources for Individuals and Families

There are a variety of resources that can be really helpful in explaining the role and services provided by advocates. All of these resources can be found on the website, and most are also in print. The next few resources are those that are regularly utilized, and that individuals and families have found most helpful.

## Disability Resources

[www.justicecenter.ny.gov/advocacy-support](http://www.justicecenter.ny.gov/advocacy-support)



TRAIID Program

Access to assistive technology devices available to any New Yorker with a disability.



Disability Resources

Assistance available to individuals with disabilities based on topic of need.



Requesting Justice Center Records

Instructions on how to file requests for agency and investigative records.

The first is the Disability Resources page. It is user friendly, and the page provides individuals with disabilities, family members, caregivers, advocates with information on programs, services, laws and regulations.

It includes categories like transportation, health care, housing, and information about our Technology Related Assistance for Individuals with Disabilities (TRAIID) program etc. and is very search/user friendly.

The Technology-Related Assistance for Individuals with Disabilities (TRAIID) Program provides access to assistive technology to any New Yorker with a disability through Regional TRAIID Centers. Regional TRAIID Centers provide device loans and hands-on training to people with disabilities. The locations of these regional TRAIID Centers can also be found on the site:

<https://www.justicecenter.ny.gov/disability-resources>

24

## Resource Card

**To report abuse and neglect:**  
Call the 24/7 Toll-free Hotline  
**1-855-373-2122**  
Dial 7-11 for NYS Relay

**For additional assistance call the Justice Center:**  
**1-800-624-4143**  
or e-mail  
supportcoordinator@justicecenter.ny.gov

**NEW YORK STATE**  
Justice Center for the Protection of People with Special Needs

**If someone tells you they have experienced abuse and neglect:**

**WHAT TO KNOW:**

- Anyone can report abuse or neglect of a person with special needs to the Justice Center.
- All reports of abuse and neglect to the Justice Center will be investigated.
- The Justice Center is committed to supporting and protecting the health, safety, and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.

**In an emergency situation, CALL 911**

• Medical/Clinical professionals  
• Education professionals  
• Law enforcement personnel

For a complete list visit our website at:  
[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)

**WHAT TO DO:**

Listen to the individual and offer your support. If it is an emergency situation, **CALL 911**

Follow all internal reporting requirements to ensure protections are put in place.

Report the incident to the Justice Center's Vulnerable Persons' Central Register (VPCR) Hotline at:  
**1-855-373-2122**

**TEAR THIS CARD AT THE PERFORATION:**  
Keep this half for yourself and give the other half to the individual or family member.

• support during criminal cases and proceedings

**For more information visit our website at:**  
[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)

**ABUSE & NEGLECT**

- Physical Abuse
- Sexual Abuse
- Psychological Abuse
- Emotional Abuse
- Neglect

**STATE AGENCY INFORMATION:**

OFFICE FOR PEOPLE WITH  
INTELLECTUAL DISABILITIES  
**866-946-9733**

STATE OF MENTAL HEALTH  
**300-597-8481**

OFFICE OF CHILDREN  
& FAMILY SERVICES  
**888-219-9818**

OFFICE OF ADDICTION  
SERVICES AND SUPPORTS  
**1-800-553-5790**

STATE EDUCATION DEPARTMENT  
**1-518-474-3852**

DEPARTMENT OF HEALTH  
**1-866-881-2809**

**NEW YORK STATE**  
Justice Center for the Protection of People with Special Needs

Next is the resource card which is one of the most popular resources and is often given out at conferences, presentations and interviews. This pocket-sized card features information on the unit, reporting to the hotline and most importantly features contact information for each of the 6 state agencies under the justice Center's jurisdiction. Another great feature is that this card is perforated so that one side can be provided to the individual or family member and the other can be provided to the mandated reporter with relevant information for each:

<https://www.justicecenter.ny.gov/justice-center-resource-card>

25

## Justice Center Reporting and Investigations: Guidance for Individuals and Families



**NEW YORK**  
STATE OF  
SOPHISTISTRY

**Justice Center for the  
Protection of People  
with Special Needs**

161 Delaware Avenue, Delmar, New York 120  
1-800-624-41  
www.justicecenter.ny.gov

**DURING THE INVESTIGATION**

**Who can be interviewed during an investigation?**  
Investigators will interview people who receive services who have been victims or witnesses, and other people who may have information about an incident. Investigating interview subjects (e.g., employees, volunteer, intern, care contractor) who are alleged to have committed the act of abuse or neglect.

**What can I expect if I am interviewed as a victim or witness?**  
The purpose of the interview is to learn what you know and when it happened. You will be notified of the location, date, and time of the interview. Your interview is voluntary and you may leave during the interview. You should let the investigator know if you need an accessibility accommodation during the interview or do not understand something that is said.

As part of the investigative process, investigators collect and review documents. Investigators may ask to see personal items that are needed to complete the investigation.

**How will I know if I am identified as a victim?**  
If you are identified as a victim in an allegation of abuse or neglect, the facility or program will notify you within 24 hours. You will be provided with a confirmation number from the VPCU. Use this number if you have additional information related to the report you are seeking information from the Justice Center about the report.

A "subject" refers to the individual named in the allegation as committing the act of abuse and/or neglect.  
Only staff may be considered subjects.

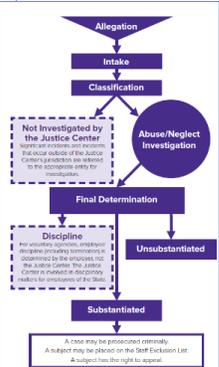
**What is Jonathan's Law?**  
Facilities operated, licensed, or certified by the Office for People With Developmental Disabilities (OPWDD), the Office of Mental Health (OMH) and the Office of Alcoholism and Substance Abuse Services (OASAS) must notify and inform parents, siblings, and legal guardians of children and adults receiving services by telephone of accidents or injuries. The law also allows qualified persons to access certain documents pertaining to such incidents. For more information on this process:  
www.justicecenter.ny.gov/resources/brochures/jonathans-law

**"Qualified persons" are defined in Jonathan's Law as:**

- Parents or other legal guardians of minor patients;
- Parents, legal guardians, spouses, siblings, or adult children of adult patients who are legally authorized to make health care decisions on behalf of the adult patients; or
- Adult patients who have not been determined by a court to be legally incompetent.

**What happens during a criminal case?**  
The Office of the Special Prosecutor helps to coordinate the investigation and leads the prosecution of criminal abuse and neglect cases where the alleged conduct rises to the level of a criminal offense. A team of special prosecutors and Justice Center investigators work together to gather evidence to support an arrest, formal criminal charges, and obtain a conviction or plea to ensure that justice is served.

Criminal investigations typically include interviewing victims and witnesses. Additionally, the Justice Center works with local district attorneys and law enforcement agencies to prosecute criminal matters. If a prosecution is pursued by the Justice Center, coordination of victim services will be provided by the individual family support unit in collaboration with the Prosecutions Unit.



```

graph TD
    A[Allegation] --> B[Intake]
    B --> C[Classification]
    C --> D[Abuse/Neglect Investigation]
    D --> E[Final Determination]
    E --> F[Substantiated]
    E --> G[Unsubstantiated]
    E --> H[Not Investigated by the Justice Center]
    F --> I[A case may be prosecuted criminally. A subject may be placed on the Staff Exclusion List. A subject loses the right to re-apply.]
    G --> J[Discipline per voluntary agreement, imposition of discipline pending investigation is determined by the employee, not the Justice Center or incident of disciplinary matter to employees of the State.]
    H --> K[Discipline per voluntary agreement, imposition of discipline pending investigation is determined by the employee, not the Justice Center or incident of disciplinary matter to employees of the State.]
  
```

Next is the **Guidance for Individual and Families** which is the most comprehensive guidance document and explains the general processes of the agency along with answering a lot of the most frequently asked questions. One part worth pointing out is the process chart at the end which explains the case process which was covered earlier in the presentation.

<https://www.justicecenter.ny.gov/investigations-guidance-individuals-and-families-all>

26

## Jonathan's Law Incident Notification and Records Access



**Can any information be withheld?**

Yes. The names or information that identifies other persons receiving services and employees will be redacted unless these individuals authorize disclosure.

Federal laws or regulations may pose additional restrictions on the release of records or information contained in these records. For example, federal law prohibits OASAS providers from releasing any records or information that would identify a person as receiving services without the specific consent of the person receiving services (whether an adult or a minor) or a court order compliant with federal law.

**How should requests for records and documents be made?**

Requests for incident and investigation records must be made to the provider that was providing services to the individual at the time of the incident.

When allegations of abuse or neglect (reportable incident) are investigated by the Justice Center, the Justice Center will coordinate with the provider so that the disclosure of records and documents will be made in compliance with Jonathan's Law and the Protection of People with Special Needs Act.

**What facilities does the law cover?**

All facilities operated, licensed or certified by the following state agencies must adhere to the requirements of Jonathan's Law:

- Office for People With Developmental Disabilities (OPWDD)
- Office of Mental Health (OMH)
- Office of Addiction Services and Supports (OASAS)

**What is Jonathan's Law?**

Jonathan's Law established procedures that facilities must follow to notify and inform parents and legal guardians of children and adults receiving services of incidents involving their loved ones. It also allows qualified persons to access certain documents pertaining to such incidents.

**When will records be made available?**

When the qualified person(s) makes a written request for records and documents pertaining to a reportable incident, the facility must respond to this request within 21 days of the conclusion of an investigation.

**Can records or documents obtained by a qualified person be shared?**

Yes. An amendment to Jonathan's Law, which became effective in 2013, permits the qualified person(s) who receive records and documents pertaining to reportable incidents to share them with:

- Health care providers;
- Behavioral health care providers;
- Law enforcement agencies (if the qualified person believes a crime has been committed) and/or
- The qualified person's attorney.

**Jonathan's Law  
Incident Notification  
and Records Access:**  
A Guide for Individuals, Siblings,  
Parents and Legal Guardians



The final resource is the **Jonathan's Law Incident Notification and Records Access** brochure which is often provided to families and individuals as it provides information and guidance on records access and how to obtain more

information from the providers directly. Keep in mind that Jonathan's law only applies to Office for People with Developmental Disabilities, Office of Mental Health, and Office of Addiction Services and Supports related incidents, however advocates can provide records access guidance for the other three agencies as well.

<https://www.justicecenter.ny.gov/jonathans-law-incident-notification-and-records-access-0>

27

## Justice Center Video Series

To learn more about the work of the Justice Center view these videos available on our website:

1. Mission and Vision
2. Prevention Resources
3. Reporting Abuse and Neglect

[www.justicecenter.ny.gov/about-nys-justice-center](http://www.justicecenter.ny.gov/about-nys-justice-center)



The Justice Center's video series provides a lot of good information and explains the agency's mission, prevention resources, and the importance of reporting abuse and neglect with brief videos that are available right on the site.

Please scroll down to the bottom of the homepage:

[www.justicecenter.ny.gov/about-nys-justice-center](http://www.justicecenter.ny.gov/about-nys-justice-center)

## Spotlight on Prevention



### Agency Self-Assessments

These tools support program efforts to develop a comprehensive approach to prevent abuse and neglect.



### Best Practices for an Abuse-free Environment

Strategies for creating abuse-free environments



### Code of Conduct

Ethical guidelines for caring for individuals receiving services

Found at: [www.justicecenter.ny.gov/prevent-abuse](http://www.justicecenter.ny.gov/prevent-abuse)



The following are the ways in which the Justice Center has both established layers of safeguards as well as produced materials meant to help providers protect vulnerable individuals from abuse and neglect.

These include:

The Code of Conduct which establishes a uniform set of ethical standards for the treatment of people with special needs. It is important to note that the Code of conduct **MUST** be signed by **ALL** staff who have regular and substantial contact with individuals receiving services when they are hired and annually. There are several upcoming “Train the Trainer” sessions coming up please check out the Provider and Staff section of the site and go to Training.

[www.justicecenter.ny.gov/prevent-abuse](http://www.justicecenter.ny.gov/prevent-abuse)

### TOOLKITS

## Spotlight on Prevention

The information contained in the Justice Center's Spotlight on Prevention toolkits is offered as a resource for provider agencies and staff. These resources are intended to be used as a guide that may be modified as needed to apply to particular types of programs and specific age groups of vulnerable people.

Dangers of Being Left Unattended in Vehicles	Dangers of Caregiver Fatigue	Dangers of Intestinal Obstructions	Maintaining Professional Boundaries
Reducing the Use of Restraints	Securing Wheelchairs in Vehicles	Safety Benefits of GPS Devices	Body Checks

Found at: <http://www.justicecenter.ny.gov/prevent-abuse>

The information contained in the Justice Center's *Spotlight on Prevention* toolkits is offered as a resource for provider agencies and staff members along with family members and individuals. These resources were developed as a result of trends that were identified while reviewing extensive data related to cases.

These toolkits range from the dangers of being left unattended in vehicles to maintaining professional boundaries. They include sample policies, fact sheets, and case studies and it is strongly encouraged to take a look at these resources and share them with others.

<http://www.justicecenter.ny.gov/prevent-abuse>



Finally, please take a moment to recognize that navigating the system may be an added stressor for someone who is receiving services within the system as well as for family members, and provider/agency staff. It is important to recognize that the last two years have been especially challenging for everyone so it is important to take a moment to remind everyone about the importance of self-care.

Please try to take time for yourself, whether that is a 10-minute walk in the morning, a quiet meditation, or disconnecting from technology every so often. Self-care takes many forms, and everyone has something that may work best for them. You are invited to consider implementing self-care practices in your life to enhance the quality of your well-being and to share those practices with others.

The Justice Center had previously offered presentations on self-care and will be working on identifying future presentation topics that are beneficial to stakeholders as well.

## Requesting IFSU Assistance



Call 1-800-624-4143



SupportCoordinator@JusticeCenter.ny.gov

## Thank You For Your Questions & Feedback



Advocates are available to provide support and information, via e-mail at:

[supportcoordinator@justicecenter.ny.gov](mailto:supportcoordinator@justicecenter.ny.gov)

Or via phone at 1-800-624-4143

Please ask to be connected with the individual and family support unit so a referral can be sent.

Advocates respond to the majority of referrals within 1-3 business days.